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**28 July 2022**

The Chairman  
Election Advisory Committee  
P.O Box 5248  
**Boroko, NCD**  
Papua New Guinea

Attention: **Mr. Simon Sinai** – Electoral Commissioner

Cc: East Sepik Provincial Election Steering Committee – **Mr. Samson Torovi**  
Provincial Election Manager – **Mr. James Biabia**  
Provincial Returning Officer – **Mr. Thaddeus Ulapapik**

**RE: Request to Fail 2022 Yangoru Saussia Open Electorate Election**

The conduct of Yangoru-Saussia Returning Officer (RO) Mr. Francis Kambaka in administering the 2022 National General Elections election of Yangoru-Saussia Open Seat has raised issues on Abuse of his Crown Administrative Election Responsibilities and that he also committed Electoral Fraud tempering with the polling and the counting figures that fraudulently declaring the incumbent member for this third term to be in office.

We hereby request that Section 96A (2) be applied in our case pursuant to Organic Law on National and Local Level Government Election;

*(1) Notwithstanding any provision in this Law, the Head of State may, acting on the advice of the Electoral Commissioner given in accordance with Subjection (2), withdraw a writ issued for an election.*

*(2) Where the Electoral Commission, acting only on the recommendation of the Electoral Advisory Committee, and between the issue of a writ and the declaration of result, it the circumstances prevailing in an electorate are such that a proper conduct of elections in that electorate is not practicable, the Electoral Commission may advise the Head of State to withdraw the writ.*

*(3) Where a writ is withdrawn under this Section, a supplementary election shall be held as soon as the circumstance resulting in the withdrawal of writ have changed and, in the opinion of the Electoral Commission, it is practical to conduct an election.*

The following is our case for your consideration and appropriate action.

The RO Mr. Francis Kambaka was issued directives by the Provincial Returning Officer (PRO) Mr. Thaddeus Ulapapik on Friday 15<sup>th</sup> July 2022 to ensure counting is done for East Sepik Regional Boxes for Yangoru Saussia Open to verify and certify both figures of Open and Regional seats are balanced before declaration for the Yangoru Saussia Open seat to be made.

On Monday 18<sup>th</sup> July 2022, Mr. Kambaka entered into an agreement with the Scrutineers and their candidates that they will commence counting of the East Sepik Regional Boxes the next day Tuesday 19<sup>th</sup> July 2022. However, on Tuesday, instead of counting the Regional Boxes, the Assistant Returning Officers namely Thomas Nimbisil (ARO West Yangoru), Sengi Kintaro (ARO East Yangoru), Tony Kauk (ARO Numbo), Dominic Huiari (ARO Sausso) brought in two Yangoru Saussia Open two (2) Boxes that had each of their seals already opened without the presence of Scrutineers.

Seeing the two (2) Open Boxes without seals, Peter Wararu's Scrutineer Ruben Ningihau raised the issue of the agreement established on Monday 18 July to count East Sepik Regional Boxes first. The RO refused to comply with this agreement so the Scrutineers withdrew from East Yangoru LLG Chambers Counting Centre. The RO shouted and said "Yupla laik go yupla go, counting bai go head yet with yupla or without yupla." A Geoffery Waffi the Scrutineer of Richard Maru stated to the RO 'Larim ol igo na mipla continue long counting na Ol bai mekim wanem?' Then all the 16 Scrutineers walked out except for candidate Richard Maru's Scrutineers who remained and continued until the declaration.

So Count 3 of Open and Count 1 of Provincial were counted without the presence of the Scrutineers representing the 16 Candidates except for Richard Maru's Scrutineers namely Geoffrey Waffi and Emmanuel Huasiwahin. Mr Geoffrey Waffi was the ward member of Nimboruon Village in East Yangoru LLG while Mr. Huasiwahin was the Executive Officer to the incumbent Member Mr. Richard Maru.

The PRO Mr. Ulapapik heard about the administrative counting errors made by the RO Mr. Kambaka through the aggrieved candidates and directed that Mr. Kambaka stop counting of the Open Seat ballot boxes and count the Regional seat boxes at the same time in order to reconcile figures and the actual ballot papers on primary counts of both the Open and the Regional seats before he can conduct elimination for the Open seat and make his declaration. However, from what we were told in the public that the Mr. Francis Kambaka

1. Failed to comply with directives from the Provincial Returning Officer (PRO), Mr. Thaddeus Ulapapik.
2. Failed to count the East Sepik Regional Boxes after the Yangoru Saussia Open Boxes to reconcile the primary figures.
3. Failed to do quality checks on both Open and Regional Boxes and ballot papers before declaration.

On Wednesday 20 July 2021, we were advised that Mr. Ulapapik suspended Mr. Kambaka for failing to comply with his lawful instructions. Mr. Kambaka disobeyed the lawful instructions of the PRO and continued counting the ballot papers of the Open seat and removed the ballot boxes of the Regional seat to Wewak.

On Thursday 21 July 2022 at 3:45 pm, the Returning Officer Mr. Francis Kambaka who was suspended went ahead after the East Sepik Provincial Police Commander and the Provincial Election Manager left the counting center for Maprik, the RO declared Richard Maru as member elect for Yangoru Saussia Open.

The incumbent MP Richard Maru thus retained his seat with gross abuse of office of the authority of the RO. This can be demonstrated as follows with the total number of the Open seat and Regional seat figures of 10,154 actual ballot papers and electoral figures that cannot be reconciled:

Yangoru Saussia Open Total Ballot Papers Used

Formal	47,058
Informal	501
Total	<b>47,559</b>

Yangoru Saussia Total East Sepik Regional Total Ballot Papers Used

Formal	37,073
Informal	332
Total	<b>37,405</b>

**9,985** (discrepancy between the Open and Regional seats)

**Source:** Yangoru Saussia – Form 66 A2 East Yangoru LLG Chambers local scoreboard  
East Sepik Regional – Moem Barracks Scoreboard; Electoral Commission Online Update  
(last update 28<sup>th</sup> July 2022)

Richard Maru's Total Tally

Total Primary Votes	15,613
Absolute Majority and Declared	<b>17,050</b>

Actual Absolute Majority per Open and Regional Total Ballot Papers Used

Yangoru Saussia Open Formal Ballot Papers	47,058
Absolute Majority	<b>23,529</b>
East Sepik Regional Formal Ballot Papers	37,073
Absolute Majority	<b>18,536</b>

How did the RO and the Counting Officials arrive at the absolute majority of 17,050 to declare Richard Maru when the total number of formal ballot papers were at 47,058 and the absolute majority to declare a candidate to win is at 23,529 but with a huge discrepancy of 9,985 Ballot Papers or votes?

The following were our observations during the counting, declaration and the return of writs of which we declare that all these processes were grossly flawed;

- Richard Maru was declared winner by a suspended Returning Officer while the Regional Ballot Papers for Yangoru Saussia were still being counted at Moem Barracks on Saturday 23 and Sunday 24 July 2022.
- The Forms 66A1, 66A2 and 66B that verifies the final counting results of the votes were not duly signed by the authorized Scrutineers of the second and the third runner up candidates of which the Mr. Francis Kambaka failed to secure.
- The Returning Officer for Yangoru Saussia failed therefore to formally certify the declaration of the incumbent candidate to win the seat of Yangoru Saussia.
- Straight after declaration, we were told that Mr. Richard Maru took the Writs down to Port Moresby on Friday 22<sup>nd</sup> July 2022 to present it to the Electoral Commission we learned that it was rejected.

We would like to call on the Electoral Commissioner given the similar fraudulent electoral circumstances in which Mr. Simon Sinai ruled for Kandep Open Electorate be applied to Yangoru Saussia Open Electorate as reported on the Post Courier of 28 July 2022. However, should that not be possible, we would like to raise the following constitutional questions;

1. Can the writs be returned twice first by a winning candidate and second by the RO or someone else?
2. Has a constitutional crime been committed by the Returning Officer of the Crown and the winning candidate of Yangoru Saussia when a winning candidate is allowed to take the writ himself and return it to the Electoral Commission or Governor General?
3. How did Richard Maru and the RO conspired to return the writ when the Regional votes for Yangoru Saussia were still in counting and yet to be reconciled?
4. If Yangoru Saussia election is declared failed, will it affect the East Sepik Regional seat?

Nonetheless, pursuant to Section 96A (2) of the Organic Law on National and Local Level Government Election, we the undersigned 16 candidates strongly request that the 2022 Yangoru Saussia Elections be declared failed and call for an supplementary election.

Yours in the service of our people,

The Undersigned 2022 Candidates for Yangoru Saussia Open Electorate

1. Damien Wabi Box 10

2. Alphonse Hambian Box 11

3. Livai Kauken Box 12

4. Timothy Laure Box 13

5. Nick Yawi Box 14

6. Gabriel Dusava Box 15

7. Issaiah Sanduma Box 16

8. Philip Aki Box 17

9. Micavines Parinaka Box 19

10. Robert Yendowe Box 20

11. Monica Hasimani Box 21

12. John Dujambi Box 22

13. Jereviah Jeremaiah Box 23

14. Peter Wararu Box 24

15. Moris Quasi Box 25

16. Nicodemus Rex Romo Box 26